

Senate Bill 574

By: Senator Butler of the 55th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Pine Lake; to provide for incorporation, boundaries,
2 and powers of the city; to provide for a governing authority of such city and the powers,
3 duties, authority, election, terms, vacancies, compensation, expenses, qualifications,
4 prohibitions, conflicts of interest, and suspension and removal from office relative to
5 members of such governing authority; to provide for inquiries and investigations; to provide
6 for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for
7 ordinances and codes; to provide for a mayor and mayor pro tempore and certain duties,
8 powers, and other matters relative thereto; to provide for administrative affairs and
9 responsibilities; to provide for boards, commissions, and authorities; to provide for a city
10 attorney, a city clerk, and other personnel and matters relating thereto; to provide for rules
11 and regulations; to provide for a municipal court and the judge or judges thereof and other
12 matters relative to those judges; to provide for the court’s jurisdiction, powers, practices, and
13 procedures; to provide for the right of certiorari; to provide for elections; to provide for
14 taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to
15 provide for bonded and other indebtedness; to provide for auditing, accounting, budgeting,
16 and appropriations; to provide for city contracts and purchasing; to provide for the
17 conveyance of property and interests therein; to provide for bonds for officials; to provide
18 for prior ordinances and rules, pending matters, and existing personnel; to provide for
19 penalties; to provide for definitions and construction; to provide for other matters relative to
20 the foregoing; to repeal a specific Act; to repeal conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 ARTICLE I
23 INCORPORATION AND POWERS

- 1 (2) Appropriations and expenditures. To make appropriations for the support of the
2 government of the city; to authorize the expenditure of money for any purposes
3 authorized by this charter and for any purpose for which a municipality is authorized by
4 the laws of the State of Georgia; and to provide for the payment of expenses of the city;
- 5 (3) Building regulation. To regulate and to license the erection and construction of
6 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
7 and heating and air-conditioning codes; and to regulate all housing and building trades;
- 8 (4) Business regulation and taxation. To levy and to provide for collection of regulatory
9 fees and taxes on privileges, occupations, trades, and professions as authorized by Title
10 48 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted; to
11 permit and regulate the same; to provide for the manner and method of payment of such
12 regulatory fees and taxes; and to revoke such permits after due process for failure to pay
13 any city taxes or fees;
- 14 (5) Condemnation. To condemn property, inside or outside the corporate limits of the
15 city, for present or future use and for any corporate purpose deemed necessary by the
16 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such
17 other applicable laws as are now or may hereafter be enacted;
- 18 (6) Contracts. To enter into contracts and agreements with other governmental entities
19 and with private persons, firms, and corporations;
- 20 (7) Emergencies. To establish procedures for determining and proclaiming that an
21 emergency situation exists within or outside the city and to make and carry out all
22 reasonable provisions deemed necessary to deal with or meet such an emergency for the
23 protection, safety, health, or well-being of the citizens of the city;
- 24 (8) Environmental protection. To protect and preserve the natural resources,
25 environment, and vital areas of the state through the preservation and improvement of air
26 quality, the restoration and maintenance of water resources, the control of erosion and
27 sedimentation, the management of solid and hazardous waste, and other necessary actions
28 for the protection of the environment;
- 29 (9) Fire regulations. To fix and establish fire limits and from time to time to extend,
30 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
31 general law, relating to both fire prevention and detection and to fire fighting; and to
32 prescribe penalties and punishment for violations thereof;
- 33 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
34 and disposal and other sanitary service charge, tax, or fee for such services as may be
35 necessary in the operation of the city from all individuals, firms, and corporations
36 residing in or doing business in the city benefiting from such services; to enforce the

1 payment of such charges, taxes, or fees; and to provide for the manner and method of
2 collecting such service charges;

3 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,
4 practice, conduct, or use of property which is detrimental to health, sanitation,
5 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the
6 enforcement of such standards;

7 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
8 any purpose related to powers and duties of the city and the general welfare of its
9 citizens, on such terms and conditions as the donor or grantor may impose;

10 (13) Health and sanitation. To prescribe standards of health and sanitation and to provide
11 for the enforcement of such standards;

12 (14) Jail sentences. To provide that persons given jail sentences in the municipal court
13 may work out such sentences in any public works or on the streets, roads, drains, and
14 other public property in the city; to provide for commitment of such persons to any jail;
15 or to provide for commitment of such persons to any county work camp or county jail by
16 agreement with the appropriate county officials;

17 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control
18 over all traffic, including parking upon or across the streets, roads, alleys, and walkways
19 of the city;

20 (16) Municipal agencies and delegation of power. To create, alter, or abolish
21 departments, boards, offices, commissions, and agencies of the city and to confer upon
22 such agencies the necessary and appropriate authority for carrying out all the powers
23 conferred upon or delegated to the same;

24 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the
25 city and to issue bonds for the purpose of raising revenue to carry out any project,
26 program, or venture authorized by this charter or the laws of the State of Georgia;

27 (18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
28 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
29 outside the property limits of the city;

30 (19) Municipal property protection. To provide for the preservation and protection of
31 property and equipment of the city and the administration and use of same by the public;
32 and to prescribe penalties and punishment for violations thereof;

33 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
34 of public utilities, including but not limited to a system of waterworks, sewers and drains,
35 sewage disposal, gas works, electric light plants, cable television and other
36 telecommunications, transportation facilities, public airports, and any other public utility;

1 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and
2 to provide for the withdrawal of service for refusal or failure to pay the same;

3 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or
4 private property;

5 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
6 the authority of this charter and the laws of the State of Georgia;

7 (23) Planning and zoning. To provide comprehensive city planning for development by
8 zoning; and to provide subdivision regulation and the like as the city council deems
9 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;

10 (24) Police and fire protection. To exercise the power of arrest through duly appointed
11 police officers and to establish, operate, or contract for a police and a fire-fighting
12 agency;

13 (25) Public hazards; removal. To provide for the destruction and removal of any building
14 or other structure which is or may become dangerous or detrimental to the public;

15 (26) Public improvements. To provide for the acquisition, construction, building,
16 operation, and maintenance of public ways, parks and playgrounds, public grounds,
17 recreational facilities, cemeteries, markets and market houses, public buildings, libraries,
18 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, other
19 public utilities, public housing, airports, hospitals, terminals, docks, parking facilities, and
20 charitable, cultural, educational, recreational, conservation, sport, curative, corrective,
21 detentional, penal, and medical institutions, agencies, and facilities; and to provide any
22 other public improvements, inside or outside the corporate limits of the city; to regulate
23 the use of public improvements; and, for such purposes, property may be acquired by
24 condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are now
25 or may hereafter be enacted;

26 (27) Public peace. To provide for the prevention and punishment of drunkenness, riots,
27 and public disturbances;

28 (28) Public transportation. To organize and operate such public transportation systems
29 as are deemed beneficial;

30 (29) Public utilities and services. To grant franchises or make contracts for or impose
31 taxes on public utilities and public service companies and to prescribe the rates, fares,
32 regulations, and standards and conditions of service applicable to the service to be
33 provided by the franchise grantee or contractor, insofar as not in conflict with valid
34 regulations of the Georgia Public Service Commission;

35 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,
36 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
37 and all other structures or obstructions upon or adjacent to the rights of way of streets and

1 roads or within view thereof, within or abutting the corporate limits of the city; and to
2 prescribe penalties and punishment for violation of such ordinances;

3 (31) Retirement. To provide and maintain a retirement plan for officers and employees
4 of the city;

5 (32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
6 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
7 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
8 walkways within the corporate limits of the city; and to grant franchises and rights of way
9 throughout the streets and roads and over the bridges and viaducts for the use of public
10 utilities; and to require real estate owners to repair and maintain in a safe condition the
11 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

12 (33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
13 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
14 and sewerage system and to levy on those to whom sewers and sewerage systems are
15 made available a sewer service fee, charge, or sewer tax for the availability or use of the
16 sewers; to provide for the manner and method of collecting such service charges and for
17 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee
18 or fees to those connected with the system;

19 (34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
20 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
21 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
22 paper, and other recyclable materials and to provide for the sale of such items;

23 (35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
24 the manufacture, sale, or transportation of any intoxicating liquors, and the use of
25 firearms; to regulate the transportation, storage, and use of combustible, explosive, and
26 inflammable materials, the use of lighting and heating equipment, and any other business
27 or situation which may be dangerous to persons or property; to regulate and control the
28 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows
29 of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit
30 professional fortunetelling, palmistry, adult bookstores, and massage parlors;

31 (36) Special assessments. To levy and provide for the collection of special assessments
32 to cover the costs for any public improvements;

33 (37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
34 and collection of taxes on all property subject to taxation;

35 (38) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
36 future by law;

1 (39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
 2 number of such vehicles; to require the operators thereof to be licensed; to require public
 3 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
 4 regulate the parking of such vehicles;

5 (40) Urban redevelopment. To organize and operate an urban redevelopment program;
 6 and

7 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
 8 and immunities necessary or desirable to promote or protect the safety, health, peace,
 9 security, good order, comfort, convenience, or general welfare of the city and its
 10 inhabitants; and to exercise all implied powers necessary or desirable to carry into
 11 execution all powers granted in this charter as fully and completely as if such powers
 12 were fully stated in this charter; and to exercise all powers now or in the future authorized
 13 to be exercised by other municipal governments under other laws of the State of Georgia;
 14 and no listing of particular powers in this charter shall be held to be exclusive of others,
 15 nor restrictive of general words and phrases granting powers, but shall be held to be in
 16 addition to such powers unless expressly prohibited to municipalities under the
 17 Constitution or applicable laws of the State of Georgia.

18 **SECTION 1.13.**

19 Exercise of powers.

20 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or
 21 employees shall be carried into execution as provided by this charter. If this charter makes
 22 no provision, such shall be carried into execution as provided by ordinance or as provided
 23 by pertinent laws of the State of Georgia.

24 **ARTICLE II**

25 **GOVERNMENT STRUCTURE**

26 **SECTION 2.10.**

27 City council creation; number; election.

28 The legislative authority of the government of this city, except as otherwise specifically
 29 provided in this charter, shall be vested in a city council to be composed of a mayor and five
 30 councilmembers. The city council established in this charter shall in all respects be a
 31 successor to and continuation of the city governing authority under prior law. The mayor and
 32 councilmembers shall be elected in the manner provided by this charter.

1 or political entity to which this charter applies who shall have any financial interest, directly
 2 or indirectly, in any contract or matter pending before or within such entity shall disclose
 3 such interest to the governing body of such agency or entity.

4 (d) Use of public property—No elected official, appointed officer, or employee of the city
 5 or any agency or entity to which this charter applies shall use property owned by such
 6 governmental entity for personal benefit, convenience, or profit except in accordance with
 7 policies promulgated by the city council or the governing body of such agency or entity.

8 (e) Contracts voidable and rescindable—Any violation of this section which occurs with the
 9 knowledge, express or implied, of a party to a contract or sale shall render such contract or
 10 sale voidable at the option of the city council.

11 (f) Ineligibility of elected official—Except where authorized by law, neither the mayor nor
 12 any councilmember shall hold any other elective or compensated appointive office in the city
 13 or otherwise be employed by said government or any agency thereof during the term for
 14 which that person was elected. No former councilmember and no former mayor shall hold
 15 any compensated appointive office in the city until one year after the expiration of the term
 16 for which that person was elected.

17 (g) Political activities of certain officers and employees—No appointed officer and no
 18 employee of the city shall continue in such employment upon qualifying as a candidate for
 19 nomination or election to any public office. No employee of the city shall continue in such
 20 employment upon election to any public office in this city or any other public office which
 21 is inconsistent, incompatible, or in conflict with the duties of the city employee. Such
 22 determination shall be made by the mayor and city council either immediately upon election
 23 or at any time such conflict may arise.

24 (h) Penalties for violation—

25 (1) Any city officer or employee who knowingly conceals such financial interest or
 26 knowingly violates any of the requirements of this section shall be guilty of malfeasance
 27 in office or position and shall be deemed to have forfeited that person's office or position.

28 (2) Any officer or employee of the city who shall forfeit that person's office or position
 29 as described in paragraph (1) of this subsection shall be ineligible for appointment or
 30 election to or employment in a position in the city government for a period of three years
 31 thereafter.

32 **SECTION 2.15.**

33 Inquiries and investigations.

34 Following the adoption of an authorizing resolution, the city council may make inquiries and
 35 investigations into the affairs of the city and conduct of any department, office, or agency

1 thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and
2 require the production of evidence. Any person who fails or refuses to obey a lawful order
3 issued in the exercise of these powers by the city council shall be punished as may be
4 provided by ordinance.

5 **SECTION 2.16.**

6 General power and authority of the city council.

7 Except as otherwise provided by law or this charter, the city council shall be vested with all
8 the powers of government of this city.

9 **SECTION 2.17.**

10 Organizational meetings.

11 The city council shall hold an organizational meeting on the first Tuesday after January 1 of
12 each year. The meeting shall be called to order by the city clerk and the oath of office shall
13 be administered to the newly elected members as follows:

14 "I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor)
15 (councilmember) of this city and that I will support and defend the charter thereof as well
16 as the Constitution and laws of the State of Georgia and the United States of America."

17 **SECTION 2.18.**

18 Meetings.

19 (a) The city council shall hold regular meetings at such times and places as shall be
20 prescribed by ordinance.

21 (b) Special meetings of the city council may be held on call of the mayor or three members
22 of the city council. Notice of such special meeting shall be served on all other members
23 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such
24 notice to councilmembers shall not be required if the mayor and all councilmembers are
25 present when the special meeting is called. Such notice of any special meeting may be
26 waived by a councilmember in writing before or after such a meeting and attendance at the
27 meeting shall also constitute a waiver of notice on any business transacted in such
28 councilmember's presence. Only the business stated in the call may be transacted at the
29 special meeting.

30 (c) All meetings of the city council shall be public to the extent required by law, and notice
31 to the public of special meetings shall be made as fully as is reasonably possible as provided

1 by Code Section 50-14-1 of the O.C.G.A. or other such applicable laws as are or may
2 hereafter be enacted.

3 **SECTION 2.19.**

4 Rules of procedure.

5 (a) The city council shall adopt its rules of procedure and order of business consistent with
6 the provisions of this charter and shall provide for keeping of a journal of its proceedings,
7 which shall be a public record.

8 (b) All committees and committee chairpersons and officers of the city council shall be
9 appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have
10 the power to appoint new members to any committee at any time.

11 **SECTION 2.20.**

12 Quorum; voting.

13 Three councilmembers shall constitute a quorum and shall be authorized to transact business
14 of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote
15 shall be recorded in the journal, but any councilmember shall have the right to request a
16 roll-call vote and such vote shall be recorded in the journal. Except as otherwise provided
17 in this charter, the affirmative vote of three councilmembers shall be required for the
18 adoption of any ordinance, resolution, or motion. An abstention shall be counted as an
19 affirmative vote.

20 **SECTION 2.21.**

21 Ordinance form; procedures.

22 (a) Every proposed ordinance should be introduced in writing and in the form required for
23 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
24 enacting clause shall be "It is hereby ordained by the governing authority of the City of Pine
25 Lake..." and every ordinance shall so begin.

26 (b) An ordinance may be introduced by any councilmember and be read at a regular or
27 special meeting of the city council. Ordinances shall be considered and adopted or rejected
28 by the city council in accordance with the rules which it shall establish; provided, however,
29 an ordinance shall not be adopted the same day it is introduced, except for emergency
30 ordinances provided for in Section 2.23 of this charter. Upon introduction of any ordinance,
31 the clerk shall as soon as possible distribute a copy to the mayor and to each councilmember

1 and shall file a reasonable number of copies in the office of the clerk and at such other public
2 places as the city council may designate.

3 **SECTION 2.22.**

4 Action requiring an ordinance.

5 Acts of the city council which have the force and effect of law shall be enacted by ordinance.

6 **SECTION 2.23.**

7 Emergencies.

8 (a) To meet a public emergency affecting life, health, property, or public peace, the city
9 council may convene on call of the mayor or three councilmembers and may promptly adopt
10 an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
11 franchise; regulate the rate charged by any public utility for its services; or authorize the
12 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
13 shall be introduced in the form prescribed for ordinances generally, except that it shall be
14 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
15 a declaration stating that an emergency exists and describing the emergency in clear and
16 specific terms. An emergency ordinance may be adopted, with or without amendment, or
17 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
18 councilmembers shall be required for adoption. It shall become effective upon adoption or
19 at such later time as it may specify. Every emergency ordinance shall automatically stand
20 repealed 30 days following the date upon which it was adopted, but this shall not prevent
21 reenactment of the ordinance in the manner specified in this section if the emergency still
22 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
23 in the same manner specified in this section for adoption of emergency ordinances.

24 (b) Such meetings shall be open to the public to the extent required by law and notice to the
25 public of emergency meetings shall be made as fully as is reasonably possible in accordance
26 with Code Section 50-14-1 of the O.C.G.A. or such other applicable laws as are or may
27 hereafter be enacted.

28 **SECTION 2.24.**

29 Codes of technical regulations.

30 (a) The city council may adopt any standard code of technical regulations by reference
31 thereto in an adopting ordinance. The procedure and requirements governing such adopting

1 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
 2 of subsection (b) of Section 2.21 of this charter for distribution and filing of copies of the
 3 ordinance shall be construed to include copies of any code of technical regulations, as well
 4 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as
 5 well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to
 6 Section 2.25 of this charter.

7 (b) Copies of any adopted code of technical regulations shall be made available by the clerk
 8 for inspection by the public.

9 **SECTION 2.25.**

10 Signing; authenticating; recording; codification; printing.

11 (a) The clerk shall authenticate by the clerk's signature and record in full in a properly
 12 indexed book kept for that purpose all ordinances adopted by the city council.

13 (b) The city council shall provide for the preparation of a general codification of all the
 14 ordinances of the city having the force and effect of law. The general codification shall be
 15 adopted by the city council by ordinance and shall be published promptly, together with all
 16 amendments thereto and such codes of technical regulations and other rules and regulations
 17 as the city council may specify. This compilation shall be known and cited officially as "The
 18 Code of the City of Pine Lake, Georgia." Copies of the code shall be furnished to all
 19 officers, departments, and agencies of the city and made available for purchase by the public
 20 at a reasonable price as fixed by the city council.

21 (c) The city council shall cause each ordinance and each amendment to this charter to be
 22 printed promptly following its adoption, and the printed ordinances and charter amendments
 23 shall be made available for purchase by the public at reasonable prices to be fixed by the city
 24 council. Following publication of the first code under this charter and at all times thereafter,
 25 the ordinances and charter amendments shall be printed in substantially the same style as the
 26 code currently in effect and shall be suitable in form for incorporation therein. The city
 27 council shall make such further arrangements as deemed desirable with reproduction and
 28 distribution of any current changes in or additions to codes of technical regulations and other
 29 rules and regulations included in the code.

30 **SECTION 2.26.**

31 Election of mayor; forfeiture; compensation.

32 The mayor shall be elected and serve for a term of four years and until the mayor's successor
 33 is elected and qualified. The mayor shall be a qualified elector of this city and shall have

1 been a resident of this city for 12 months immediately preceding the mayor's election. The
 2 mayor shall continue to reside in this city during the period of the mayor's service. The
 3 mayor shall forfeit that office on the same grounds and under the same procedure as for
 4 councilmembers. The compensation of the mayor shall be established in the same manner
 5 as for councilmembers.

6 **SECTION 2.27.**

7 Chief executive officer; delegation of powers.

8 The mayor shall be the chief executive of this city. The mayor shall possess all of the
 9 executive and administrative power granted to the city under the Constitution and laws of the
 10 State of Georgia, and all the executive and administrative powers contained in this charter.

11 **SECTION 2.28.**

12 Powers and duties of mayor.

13 As the chief executive of this city, the mayor shall:

- 14 (1) See that all laws and ordinances of the city are faithfully executed;
- 15 (2) Appoint and remove all officers, department heads, and employees of the city except
 16 as otherwise provided in this charter;
- 17 (3) Exercise supervision over all executive and administrative work of the city and
 18 provide for the coordination of administrative activities;
- 19 (4) Prepare and submit to the councilmembers a recommended operating budget and
 20 capital budget;
- 21 (5) Submit to the councilmembers at least once a year a statement covering the financial
 22 conditions of the city and from time to time such other information as the
 23 councilmembers may request;
- 24 (6) Recommend to the councilmembers such measures relative to the affairs of the city,
 25 improvement of the government, and promotion of the welfare of its inhabitants as the
 26 mayor may deem expedient;
- 27 (7) Call special meetings of the councilmembers as provided for in subsection (b) of
 28 Section 2.18 of this charter;
- 29 (8) Approve or disapprove ordinances as provided in Section 2.29 of this charter;
- 30 (9) Provide for an annual audit of all accounts of the city;
- 31 (10) Require any department or agency of the city to submit written reports whenever
 32 the mayor deems it expedient;
- 33 (11) Perform such other duties as may be required by law, this charter, or ordinance;

- 1 (12) Participate in the discussion of all matters brought before the councilmembers; and
2 (13) Sign as a matter of course all written contracts, ordinances, and other instruments
3 executed by the city which by law are required to be in writing.

4 **SECTION 2.29.**

5 Submission of ordinances to the mayor; veto power.

6 (a) Every ordinance adopted by the councilmembers shall be presented promptly by the city
7 clerk to the mayor after its adoption.

8 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the city
9 clerk with or without the mayor's approval or with the mayor's disapproval. If the ordinance
10 has been approved by the mayor, it shall become law upon its return to the city clerk; if the
11 ordinance is neither approved nor disapproved, it shall become law at 12:00 Noon on the
12 tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit
13 to the councilmembers through the city clerk a written statement of the reasons for the veto.
14 The city clerk shall record upon the ordinance the date of its delivery to and receipt from the
15 mayor.

16 (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the
17 councilmembers at their next meeting. If the councilmembers then or at their next meeting
18 adopt the ordinance by an affirmative vote of four members, it shall become law.

19 (d) The mayor may disapprove or reduce any item or items of appropriation in any
20 ordinance. The approved part or parts of any ordinance making appropriations shall become
21 law, and the part or parts disapproved shall not become law unless subsequently passed by
22 the councilmembers over the mayor's veto as provided in this section. The reduced part or
23 parts shall be presented to the councilmembers as though disapproved and shall not become
24 law unless overridden by the councilmembers as provided in subsection (c) of this section.

25 **SECTION 2.30.**

26 Mayor pro tempore; selection; duties.

27 By a majority vote, the councilmembers shall elect a councilmember to serve as mayor pro
28 tempore. The mayor pro tempore shall preside at all meetings of the councilmembers and
29 shall assume the duties and powers of the mayor upon the mayor's physical or mental
30 disability or absence. The councilmembers by a majority vote shall elect a new presiding
31 officer from among its members for any period in which the mayor pro tempore is disabled,
32 absent, or acting as mayor. Any such absence or disability shall be declared by majority vote
33 of all councilmembers.

- 1 (d) Except as otherwise provided by charter or by law, no member of any board,
 2 commission, or authority shall hold any elective office in the city.
- 3 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the
 4 unexpired term in the manner prescribed in this charter for original appointment, except as
 5 otherwise provided by this charter or by law.
- 6 (f) No member of a board, commission, or authority shall assume office until that person has
 7 executed and filed with the clerk of the city an oath obligating that person to perform
 8 faithfully and impartially the duties of that person's office, such oath shall be prescribed by
 9 ordinance and administered by the mayor.
- 10 (g) All members of boards, commissions, or authorities of the city serve at will and may be
 11 removed at any time by the mayor unless otherwise provided by law.
- 12 (h) Except as otherwise provided by this charter or by law, each board, commission, or
 13 authority of the city shall elect one of its members as chairperson and one member as vice
 14 chairperson and may elect as its secretary one of its own members or may appoint as
 15 secretary an employee of the city. Each board, commission, or authority of the city
 16 government may establish such bylaws, rules, and regulations, not inconsistent with this
 17 charter, ordinances of the city, or law, as it deems appropriate and necessary for the
 18 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and
 19 regulations shall be filed with the clerk of the city.

20 **SECTION 3.12.**

21 City attorney.

22 The mayor shall appoint a city attorney, together with such assistant city attorneys as may
 23 be authorized, and shall provide for the payment of such attorney or attorneys for services
 24 rendered to the city. The city attorney shall be responsible for providing for the
 25 representation and defense of the city in all litigation in which the city is a party; may be the
 26 prosecuting officer in the municipal court; shall attend the meetings of the city council as
 27 directed; shall advise the councilmembers, mayor, and other officers and employees of the
 28 city concerning legal aspects of the city's affairs; and shall perform such other duties as may
 29 be required by virtue of such person's position as city attorney.

1 **SECTION 3.13.**

2 City clerk.

3 The mayor shall appoint a city clerk who shall not be a councilmember. The city clerk shall
4 be custodian of the official city seal and city records; maintain city council records required
5 by this charter; and perform such other duties as may be required by the city council.

6 **SECTION 3.14.**

7 Position classification and pay plans.

8 The mayor shall be responsible for the preparation of a position classification and pay plan
9 which shall be submitted to the city council for approval. Such plan may apply to all
10 employees of the city and any of its agencies, departments, boards, commissions, or
11 authorities. When a pay plan has been adopted, the city council shall not increase or decrease
12 the salary range applicable to any position except by amendment of such pay plan. For
13 purposes of this section, all elected and appointed city officials are not city employees.

14 **SECTION 3.15.**

15 Personnel policies.

16 All employees serve at will and may be removed from office at any time unless otherwise
17 provided by ordinance.

18 ARTICLE IV

19 JUDICIAL BRANCH

20 **SECTION 4.10.**

21 Creation; name.

22 There shall be a court to be known as the Municipal Court of the City of Pine Lake.

23 **SECTION 4.11.**

24 Chief judge; associate judge.

25 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,
26 or stand-by judges as shall be provided by ordinance.

27 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
28 that person shall have attained the age of 21 years and shall be a member of the State Bar of

1 Georgia and shall possess all qualifications required by law. All judges shall be appointed
2 by the city council and shall serve until a successor is appointed and qualified.

3 (c) Compensation of the judges shall be fixed by ordinance.

4 (d) Judges serve at will and may be removed from office at any time by the city council
5 unless otherwise provided by ordinance.

6 (e) Before assuming office, each judge shall take an oath, given by the mayor, that such
7 judge will honestly and faithfully discharge the duties of the judge's office to the best of the
8 judge's ability and without fear, favor, or partiality. The oath shall be entered upon the
9 minutes of the city council journal required in Section 2.19 of this charter.

10 **SECTION 4.12.**

11 Convening.

12 The municipal court shall be convened at regular intervals as provided by ordinance.

13 **SECTION 4.13.**

14 Jurisdiction; powers.

15 (a) The municipal court shall try and punish violations of this charter, all city ordinances,
16 and such other violations as provided by law.

17 (b) The municipal court shall have authority to punish those in its presence for contempt,
18 provided that such punishment shall not exceed \$200.00 or ten days in jail.

19 (c) The municipal court may fix punishment for offenses within its jurisdiction not
20 exceeding a fine of \$1,000.00 or imprisonment for six months or both such fine and
21 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing, as
22 now or hereafter provided by law.

23 (d) The municipal court shall have authority to establish a schedule of fees to defray the cost
24 of operation and shall be entitled to reimbursement of the cost of meals, transportation, and
25 caretaking of prisoners bound over to superior courts for violations of state law.

26 (e) The municipal court shall have authority to establish bail and recognizances to ensure
27 the presence of those charged with violations before such court and shall have discretionary
28 authority to accept cash or personal or real property as surety for the appearance of persons
29 charged with violations. Whenever any person shall give bail for that person's appearance
30 and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by the
31 judge presiding at such time and an execution issued thereon by serving the defendant and
32 the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi.
33 In the event that cash or property is accepted in lieu of bond for security for the appearance

1 of a defendant at trial, and if such defendant fails to appear at the time and place fixed for
 2 trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the
 3 property so deposited shall have a lien against it for the value forfeited which lien shall be
 4 enforceable in the same manner and to the same extent as a lien for city property taxes.

5 (f) The municipal court shall have the same authority as superior courts to compel the
 6 production of evidence in the possession of any party; to enforce obedience to its orders,
 7 judgments, and sentences; and to administer such oaths as are necessary.

8 (g) The municipal court may compel the presence of all parties necessary to a proper
 9 disposal of each case by the issuance of summonses, subpoenas, and warrants which may be
 10 served as executed by any officer as authorized by this charter or by law.

11 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of
 12 persons charged with offenses against any ordinance of the city, and each judge of the
 13 municipal court shall have the same authority as a magistrate of the state to issue warrants
 14 for offenses against state laws committed within the city.

15 **SECTION 4.14.**

16 Certiorari.

17 The right of certiorari from the decision and judgment of the municipal court shall exist in
 18 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
 19 the sanction of a judge of the Superior Court of DeKalb County under the laws of the State
 20 of Georgia regulating the granting and issuance of writs of certiorari.

21 **SECTION 4.15.**

22 Rules for court.

23 With the approval of the city council, the judge shall have full power and authority to make
 24 reasonable rules and regulations necessary and proper to secure the efficient and successful
 25 administration of the municipal court; provided, however, that the city council may adopt in
 26 part or in toto the rules and regulations applicable to municipal courts. The rules and
 27 regulations made or adopted shall be filed with the city clerk, shall be available for public
 28 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court
 29 proceedings at least 48 hours prior to such proceedings.

30 **ARTICLE V**

31 **ELECTIONS AND REMOVAL**

SECTION 5.10.

Applicability of general law.

All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

SECTION 5.11.

Regular elections; time for holding.

(a) There shall be a municipal general election biennially in odd-numbered years on the Tuesday next following the first Monday in November.

(b) There shall be elected the mayor and councilmembers for Posts 1 and 2 at one election and at every other election thereafter. The councilmembers for Posts 3, 4, and 5 shall be filled at the election alternating with the first election so that a continuing body is created.

SECTION 5.12.

Nonpartisan elections.

Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party designations.

SECTION 5.13.

Election by plurality vote.

The person receiving a plurality of the votes cast for any city office shall be elected.

SECTION 5.14.

Special elections; vacancies.

In the event that the office of mayor or councilmember shall become vacant as provided in Section 2.12 of this charter, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those members remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

1 **SECTION 5.15.**

2 Other provisions.

3 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
4 such rules and regulations as it deems appropriate to fulfill any options and duties under
5 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

6 **SECTION 5.16.**

7 Removal of officers.

8 (a) A councilmember, the mayor, or other appointed officers provided for in this charter
9 shall be removed from office for any one or more of the causes provided in Title 45 of the
10 O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

11 (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished
12 by one of the following methods:

13 (1) Following a hearing at which an impartial panel shall render a decision. In the event
14 an elected officer is sought to be removed by the action of the city council, such officer
15 shall be entitled to a written notice specifying the ground or grounds for removal and to
16 a public hearing which shall be held not less than ten days after the service of such
17 written notice. The city council shall provide by ordinance for the manner in which such
18 hearings shall be held. Any elected officer sought to be removed from office as provided
19 in this section shall have the right of appeal from the decision of the city council to the
20 Superior Court of DeKalb County. Such appeal shall be governed by the same rules as
21 govern appeals to the superior court from the probate court; or

22 (2) By an order of the Superior Court of DeKalb County following a hearing on a
23 complaint seeking such removal brought by any resident of the City of Pine Lake.

24 **ARTICLE VI**

25 **FINANCE**

26 **SECTION 6.10.**

27 Property tax.

28 The city council may assess, levy, and collect an ad valorem tax on all real and personal
29 property within the corporate limits of the city that is subject to such taxation by the state and
30 county. This tax is for the purpose of raising revenues to defray the costs of operating the
31 city government, of providing governmental services, for the repayment of principal and

1 interest on general obligations, and for any other public purpose as determined by the city
2 council in its discretion.

3 **SECTION 6.11.**

4 Millage rate; due dates; payment methods.

5 The city council by ordinance shall establish a millage rate for the city property tax, a due
6 date, and the time period within which these taxes must be paid. The city council by
7 ordinance may provide for the payment of these taxes by installments or in one lump sum,
8 as well as authorize the voluntary payment of taxes prior to the time when due.

9 **SECTION 6.12.**

10 Occupation and business taxes.

11 The city council by ordinance shall have the power to levy such occupation or business taxes
12 as are not denied by law. The city council may classify businesses, occupations, or
13 professions for the purpose of such taxation in any way which may be lawful and may
14 compel the payment of such taxes as provided in Section 6.18 of this charter.

15 **SECTION 6.13.**

16 Licenses; permits; fees.

17 The city council by ordinance shall have the power to require businesses or practitioners
18 doing business in this city to obtain a permit for such activity from the city and pay a
19 regulatory fee for such permit as provided by general law. Such fees shall reflect the total
20 cost to the city of regulating the activity and, if unpaid, shall be collected as provided in
21 Section 6.18 of this charter.

22 **SECTION 6.14.**

23 Franchises.

24 (a) The city council shall have the power to grant franchises for the use of this city's streets
25 and alleys for the purposes of railroads, street railways, telephone companies, electric
26 companies, electric membership corporations, cable television and other telecommunications
27 companies, gas companies, transportation companies, and other similar organizations. The
28 city council shall determine the duration, terms, whether the same shall be exclusive or
29 nonexclusive, and the consideration for such franchises; provided, however, no franchise

1 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
2 the city receives just and adequate compensation therefor. The city council shall provide for
3 the registration of all franchises with the city clerk in a registration book kept by the city
4 clerk. The city council may provide by ordinance for the registration within a reasonable
5 time of all franchises previously granted.

6 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax
7 on gross receipts for the use of this city's streets and alleys for the purposes of railroads,
8 street railways, telephone companies, electric companies, electric membership corporations,
9 cable television and other telecommunications companies, gas companies, transportation
10 companies, and other similar organizations.

11 **SECTION 6.15.**

12 Service charges.

13 The city council by ordinance shall have the power to assess and collect fees, charges, and
14 tolls for sewers, sanitary and health services, or any other services provided or made
15 available within and outside the corporate limits of the city for the total cost to the city of
16 providing or making available such services. If unpaid, such charges shall be collected as
17 provided in Section 6.18 of this charter.

18 **SECTION 6.16.**

19 Special assessments.

20 The city council by ordinance shall have the power to assess and collect the cost of
21 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
22 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
23 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
24 collected as provided in Section 6.18 of this charter.

25 **SECTION 6.17.**

26 Construction; other taxes.

27 This city shall be empowered to levy any other tax or fee allowed now or hereafter by law,
28 and the specific mention of any right, power, or authority in this article shall not be construed
29 as limiting in any way the general powers of this city to govern its local affairs.

1 the contract terminates without further obligation on the part of the municipality at the close
2 of the calendar year in which it was executed and at the close of each succeeding calendar
3 year for which it may be renewed. Contracts must be executed in accordance with the
4 requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws as are
5 or may hereafter be enacted.

6 **SECTION 6.23.**

7 Fiscal year.

8 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
9 budget year and the year for financial accounting and reporting of each and every office,
10 department, agency, and activity of the city government.

11 **SECTION 6.24.**

12 Budget ordinance.

13 The city council shall provide an ordinance on the procedures and requirements for the
14 preparation and execution of an annual operating budget, a capital improvement plan, and
15 a capital budget, including requirements as to the scope, content, and form of such budgets
16 and plans. The city council shall also comply with the budgeting and auditing provisions of
17 Chapter 81 of Title 36 of the O.C.G.A.

18 **SECTION 6.25.**

19 Operating budget.

20 On or before a date fixed by the city council but not later than 45 days prior to the beginning
21 of each fiscal year, the mayor shall submit to the city council a proposed operating budget
22 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor
23 containing a statement of the general fiscal policies of the city, the important features of the
24 budget, explanations of major changes recommended for the next fiscal year, a general
25 summary of the budget, and other pertinent comments and information. The operating
26 budget and the capital budget provided for in Section 6.29 of this charter, the budget
27 message, and all supporting documents shall be filed in the office of the city clerk and shall
28 be open to public inspection.

1 such purpose, but any additional appropriations may be made only from an existing
2 unexpended surplus.

3 **SECTION 6.29.**

4 Capital improvements.

5 (a) On or before the date fixed by the city council, but not later than 45 days prior to the
6 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
7 improvements plan with a recommended capital budget containing the means of financing
8 the improvements proposed for the ensuing fiscal year. The city council shall have power
9 to accept, with or without amendments, or reject the proposed plan and budget. The city
10 council shall not authorize an expenditure for the construction of any building, structure,
11 work, or improvement unless the appropriations for such project are included in the capital
12 budget, except to meet a public emergency as provided in Section 2.23 of this charter.

13 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
14 year not later than December 27 of each year. No appropriation provided for in a prior
15 capital budget shall lapse until the purpose for which the appropriation was made shall have
16 been accomplished or abandoned; provided, however, the mayor may submit amendments
17 to the capital budget at any time during the fiscal year, accompanied by recommendations.
18 Any such amendments to the capital budget shall become effective only upon adoption by
19 ordinance.

20 **SECTION 6.30.**

21 Audits.

22 There shall be an annual independent audit of all city accounts, funds, and financial
23 transactions by a certified public accountant selected by the city council. The audit shall be
24 conducted according to generally accepted auditing principles. Any audit of any funds by
25 the state or federal governments may be accepted as satisfying the requirements of this
26 charter. Copies of annual audit reports shall be available at printing costs to the public.

27 **SECTION 6.31.**

28 Procurement and property management.

29 No contract with the city shall be binding on the city unless:

30 (1) It is in writing;

1 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of
2 course, is signed by the city attorney to indicate such drafting or review; and

3 (3) It is made or authorized by the city council and such approval is entered in the city
4 council journal of proceedings pursuant to Section 2.19 of this charter.

5 **SECTION 6.32.**

6 Purchasing.

7 The city council shall by ordinance prescribe procedures for a system of centralized
8 purchasing for the city.

9 **SECTION 6.33.**

10 Sale and lease of property.

11 (a) The city council may sell and convey or lease any real or personal property owned or
12 held by the city for governmental or other purposes as now or hereafter provided by law.

13 (b) The city council may quitclaim any rights it may have in property not needed for public
14 purposes upon report by the mayor and adoption of a resolution, both finding that the
15 property is not needed for public or other purposes and that the interest of the city has no
16 readily ascertainable monetary value.

17 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
18 of the city a small parcel or tract of land is cut off or separated by such work from a larger
19 tract or boundary of land owned by the city, the city council may authorize the mayor to sell
20 and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
21 property owner or owners where such sale and conveyance facilitates the highest and best
22 use of the abutting owner's property. Included in the sales contract shall be a provision for
23 the rights of way of said street, avenue, alley, or public place. Each abutting property owner
24 shall be notified of the availability of the property and given the opportunity to purchase said
25 property under such terms and conditions as set out by ordinance. All deeds and
26 conveyances heretofore and hereafter so executed and delivered shall convey all title and
27 interest the city has in such property, notwithstanding the fact that no public sale after
28 advertisement was or is hereafter made.

29 **ARTICLE VII**

30 **GENERAL PROVISIONS**

SECTION 7.10.

Bonds for officials.

The officers and employees of this city, both elected and appointed, shall execute such surety or fidelity bonds in such amounts and upon such terms and conditions as the city council shall from time to time require by ordinance or as may be provided by law.

SECTION 7.11.

Prior ordinances.

All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent with this charter are declared valid and of full effect and force until amended or repealed by the city council.

SECTION 7.12.

Existing personnel and officers.

Except as specifically provided otherwise by this charter, all personnel and officers of this city and their rights, privileges, and powers shall continue beyond the time this charter takes effect for a period of 90 days before or during which time the existing city council shall pass a transition ordinance detailing the changes in personnel and appointed officers required or desired and arranging such titles, rights, privileges, and powers as may be required or desired to allow a reasonable transition.

SECTION 7.13.

Pending matters.

Except as specifically provided otherwise by this charter, all rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue and any such ongoing work or cases shall be completed by such city agencies, personnel, or offices as may be provided by the city council.

SECTION 7.14.

Construction and definitions.

(a) Section captions in this charter are informative only and are not be considered as a part thereof.

- 1 (b) The word "shall" is mandatory and the word "may" is permissive.
2 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
3 versa.
4 (d) Except as specifically provided otherwise by this charter, the term:
5 (1) "City council" means the members of the city council and the mayor.
6 (2) "Councilmember" means a member of the city council other than the mayor.

7 **SECTION 7.15.**

8 Specific repealer.

9 An Act providing a new charter for the City of Pine Lake, approved April 4, 1991 (Ga. L.
10 1991, p. 3935), as amended, is repealed in its entirety.

11 **SECTION 7.16.**

12 General repealer.

13 All laws and parts of laws in conflict with this Act are repealed.